

the note C of the higher octave respectively, and indicia ranging from "+2" to "+7" are assigned to the notes D through B of the right octave respectively; and

- (b) providing one or more printed music sheets selected from textual and hymnal format, where a musical score is printed on each music sheet and said identifying indicia corresponding to each note of the score is printed with the respective note; where the ability to identify each note in a score is aided.

REMARKS

The second OA rejected Claim 2 under 35 U. S. C. 112, first paragraph, as failing to comply with the written description requirement. It was also rejected as failing to define the invention in the manner required by 35 U. S. C. 112, second paragraph. Applicants arguments were considered by the examiner but were not persuasive and as per the applicant's respectful request, claim was written by the examiner using language "considered to distinguish patentably over the art of record in this application."

The examiner wrote:

A method of providing musical notation to a score, comprising the steps of:
assigning an identifying indicia to each note across a three octave range comprising a left octave, a middle octave and a right octave, wherein indicia ranging from "-1" to "-7" are assigned to notes C through B of the left octave respectively, indicia ranging from "1" through "8" are assigned to the notes C through C of the middle octave and the note C of the higher octave respectively, and indicia ranging from "+1" to "+7" are assigned to the notes D through B of the right octave respectively; and

(b)providing one or more printed music sheets selected from textual and hymnal format, where a musical score is printed on each music sheet and said identifying indicia corresponding to each note of the score is printed with the respective note; whereby the ability to identify each note in a score is aided.

Applicant was advised to “review the patents previously cited to see how dependent claims are used to further describe and limit the invention.” After careful review, applicant accepts the claim as written by the examiner with the following adjustments:

After examiner’s first line at the words, “comprising the steps of:”, applicant believes an “(a)” should precede the words “assigning an identifying indicia”, as this change would by paragraph logically precede the “(b)” which was placed at the beginning of the second paragraph of the claim preceding the words “providing one or more printed music sheets” and, therefore, standardize the format. At examiner’s last line of the first paragraph, “and indicia ranging from ”+1” to ”+7” ”, applicant requests this change: “and indicia ranging from ”+2” to ”+7.” “This change is necessary because “1 to 7” is applied to C to B exclusively, each octave beginning with 1 (8) as the interchangeable number. The second note of the octave, “D”, is always “2.” The claim, as it appears at the beginning of this “Claims” section, is written with the aforestated changes.

CONCLUSION: For all the reasons given above, applicant respectfully submits that these claims now comply with section 112 (claim stated in narrative form with language), the claims define over the prior art under section 102 and the claimed distinctions are of patentable merit under section 103 because of the assistance of the examiner, Kurt Fernstrom. Applicant is

grateful for the assistance of an examiner who knows the patent language and how it is applicable to the "recitation of a method."

Anticipating the reconfiguration of pages 14 and 15 in the original application, they have been prepared anew according to the U.S. Patent Office regulations, and are enclosed. If not needed, or additional changes are needed, please discard.

Very respectfully,

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Date: September 6, 2005

Inventor's Signature: 